

Chapter 3

Establishing Commitments Between Ambiguity and Misquotation

In the previous chapter, we analyzed the concept of commitment and its relationship with communicative intentions. Investigating what a commitment is leads us to considering the issue of how to establish whether the speaker can be held responsible for a specific commitment. An approach to the reconstruction or determination of commitments needs to face the problem of ambiguity at different levels. In order to establish whether the speaker is committed to a specific proposition, it is necessary to establish what the utterance means. However, this leads us to investigating how meaning can be attributed to an utterance, and more specifically how to support a specific interpretation when it is controversial.

In this chapter, our goal is to outline an argumentative approach to ambiguity and commitment attribution. In particular, we conceive ambiguity in a broader sense, as the actual or potential disagreement or uncertainty concerning the meaning to be attributed to an utterance in a specific context. The question that we address is how to establish the speaker's commitments in case of ambiguity (intended as different possible interpretations) of his utterance. Our purpose is to analyze how a doubtful or potentially doubtful interpretation can be supported dialectically, namely to provide a dialectical mechanism for establishing what interpretation is the best one. The starting point is to inquire into how an utterance can be ambiguous, and more specifically how it can result in different interpretations in turn leading to different commitments attributed or attributable to the speaker. An utterance can be ambiguous for different reasons because of its explicit or implicit content. Moreover, the determination of what is implied is not enough for attributing commitments to the speaker; the possible intent of the speaker needs to be taken into account and established.

These considerations make the interpretation of an utterance and more importantly the attribution of commitments a complex issue. In law, it is even more problematic, as legal consequences can follow from a defamatory utterance, or from a perjury, or from threats, solicitations, bribery, or conspiracy. The investigation and prosecution of these offences and “crimes of language” (Solan and Tiersma 2005,

2012) need to face the problem of establishing what an utterance means, and whether the speaker made it with actual malice. These two dimensions can be used to analyze the attribution of commitments.

To this purpose, we will discuss some crucial legal cases that outline some critical instances in which utterances are subject to different interpretations and consequently different speaker's commitments. These cases will lead us to investigating the following: (1) types of ambiguity, (2) force of commitments; and (3) the strategies for establishing the best interpretation.

3.1 Commitments and Interpretation: Ambiguity of the Explicit Meaning

In the previous chapter, we analyzed how the meaning of an utterance, and more importantly the speaker's commitments, can be analyzed using the concept of dialogue move, namely the communicative effect that it can be intended (or rather it can be presumed) to have on the interlocutor. We underscored how different factors need to be taken into account at the same time in order to interpret the explicit and implicit content of an utterance. In this section, we will illustrate different ways in which an interpretation can be controversial, or "ambiguous" (Walton 1996) in the sense indicated above. More specifically, we will use legal examples to show the contextual factors (presumptions) that contribute to disambiguating the explicit meaning and reconstructing the implicit one. These cases will illustrate legal criteria for attributing commitments to the speaker in case the explicit or implicit meaning of an utterance is disputed, ambiguous, or hard to establish.

The first broad category of ambiguity concerns "what is said," namely the explicit content of an utterance. Ambiguity can result from various dimensions of the "sentence meaning," namely lexical items, syntactic structure, reference assignment, etc. (Atlas 2005; Bezuidenhout 1997). We will illustrate some clear cases of this type of ambiguity at different levels.

3.1.1 Lexical Ambiguity

The problem of the interpretation of explicit (directly conveyed) meaning is the core of the famous impeachment process of William Clinton. President Clinton became sexually involved with a White House intern named Monica Lewinsky, engaging in practices including oral sex, but they never had intercourse. Clinton became involved in a related case, in which Ms. Paula Jones initiated a civil lawsuit accusing Clinton of sexual harassment at the time when he was governor of the State of Arkansas. In these proceedings, Clinton made a deposition in which he was also asked about his relationship with Lewinsky. Once the Jones case was dismissed, the declaration led

to a perjury charge, and became the principal topic of Clinton’s testimony before a federal grand jury on August 17, 1998 (Solan and Tiersma 2005, pp. 230–233). In particular, Clinton was accused of lying, stating that Lewinsky told the truth when she said that they had no sexual relationships. The following is an excerpt from the transcripts of Clinton’s perjury trial before the Senate¹:

Case 3.1: Clinton’s Sexual Relationship

Question: Do you remember in the deposition that Mr. Bennett asked you about that? This is at the end of the – of the – toward the end of the deposition. And you indicated – he asked you *whether the statement that Ms. Lewinsky made in her affidavit was true. And you indicated that it was absolutely correct.*

Clinton: I did. [...] I believe at the time that she filled out this affidavit, if *she believed that the definition of sexual relationship was two people having intercourse*, then this is accurate. And I believe that is the definition that most ordinary Americans would give it. If you said Jane and Harry had a sexual relationship – and they’re not talking about people being drawn into a lawsuit and being given a definition and then a great effort to trick them in some way – but you’re just talking about people in an ordinary conversation, I bet the grand jurors, if they were talking about two people they know and said they had a sexual relationship, they meant they were sleeping together. *They meant they were having intercourse together.*

Clinton in this case relied on the ambiguity of “sexual relationship” and explicated the meaning of his own statement by defining the term narrowly. Clinton was thus found not to have lied, as he was only committed to not having had intercourse (which was true).

3.1.2 Reference Assignment

Another aspect of the interpretation of explicit meaning concerns reference assignment, i.e. what indexicals and definite descriptions refer to. In some contexts, referential expressions can have different referents, and the determination thereof depends on inferential processes (Matsui 1998). This dimension of what is said explicitly, which depends in part on inferential processes, can generate interpretive ambiguities or be used to claim that a statement is ambiguous. A famous case is the following (allegedly) ambiguous advertisement (*Cuisinarts, Inc. v. Robot-Coupe Int’l Corp.*, WL 121559, at 2, S.D.N.Y. 1982):

Case 3.2: The Professional Food Processor

Robot-Coupe: 21, Cuisinart: 0. WHEN ALL 21 OF THE THREE-STAR RESTAURANTS IN FRANCE’S MICHELIN GUIDE CHOOSE THE SAME PROFESSIONAL MODEL FOOD PROCESSOR, SOMEBODY KNOWS THE SCORE — SHOULDN’T YOU?

¹President Clinton testifies before the Kenneth Starr grand jury to discuss his relationship with Monica Lewinsky. Transcript. *CNN.com*. (21 September 1998). Retrieved from <http://edition.cnn.com/icreport/segment2/index.html> (Accessed on 24 October 2016).

The advertiser (Robot-Coupe) intended to lead the audience to drawing the conclusion that the product advertised was a “professional model food processor,” which, however, was not the case. This piece of information was not explicit. In fact, it can be retrieved by reconstructing missing elements, more precisely the explicature that, “the same professional model food processor” refers to “Robot-Coupe.” The defendant claimed that the advertisement was ambiguous (the referential expression could refer to another machine), and that it was not intended to mean that the machine was a professional food processor. However, the court found that the allegedly ambiguous reference was in fact unambiguous, as the contested explicature was necessary (Villafranco et al. 2004).

3.1.3 Syntactic Structure

The syntactic structure of a text or an utterance can be ambiguous for different reasons. For example, the relationship between sentences can be unclear (underspecified), the meaning of connectors not specified, or the scope of modifiers ambiguous. The sentence thus needs processing that is the result of inferences not controlled linguistically, i.e. not automatic, called free-enrichment. When the meaning of some expressions (variable) needs to be determined contextually and there is no specific rule governing this process (called assignment), inferences are drawn that depend on the speaker’s meaning, or the conversational context (Recanati 2002). These pragmatic processes belong to the domain of the so-called explicatures (Carston 1988, 2002b, 2004a) or implicatures (Bach 2010, pp. 131–132), namely the partly implicit dimension of what is conveyed directly, which needs to be fully determined in context.

One of the possible sources of ambiguity is the scope of modifiers, such as adverbs or adjectives, or operators (negation). A clear example is the following leading US criminal case, concerning whether the jury was instructed correctly or not at the end of the penalty phase of a capital murder trial. The dispute concerned a statement made by the court to the jury, whose possible ambiguity can be described as follows (*California v. Brown* 107 S. Ct. 837, at 840, 1987):

Case 3.3: Mere Sympathy

The defendant contended that the instruction “You must not be swayed by mere sentiment, conjecture, sympathy, passion, prejudice, public opinion or public feeling” was ambiguous, as the adjective “mere” had an ambiguous scope. According to the defendant, it referred only to “sentiment,” excluding from its scope all the other elements of the disjunction – namely excluding also “sympathy.” On this view, the judge would have instructed the jurors not to base their judgment on *sympathy factors in general* – which is different from *mere sympathy factors*, i.e. factors not presented at the trial, and irrelevant to the issues at the trial. In this fashion, the instruction would have amounted to disregarding also the relevant mitigating evidence concerning the defendant’s character.

The court took into consideration the whole context of the debate, rejecting the narrow-scope interpretation of “mere” (namely resulting in an instruction to

disregard sympathy in general), claiming that the “respondent’s interpretation would have these two words transform three days of favorable testimony into a virtual charade.” In this case, the scope of the adjective was established not only based on the reasonable speaker’s understanding, but also on the grounds of the contextual and situational information. The linguistic presumption associated with the possible restrictive scope of the adjective conflicts with the factual one that the judge cannot be presumed to allow evidence that cannot be taken into account later.

Another aspect of partially implicit meaning that affects the interpretation of the syntactic structure of a sentence is the “free-enrichment” of the syntactic relations between sentences. Often the meaning of connectors such as “and” needs to be specified and determined contextually. For examples, the sentence “She woke up and washed her face” needs to be interpreted by specifying that the relationship between the two conjuncts is of temporal ordering (“She woke up and *then* washed her face”) (Carston 2004b). In this case, an unarticulated constituent (Perry 1998; Recanati 2002) that is implicit contributes to the proposition explicitly communicated by an utterance. A clear case in which the partially implicit syntactic structure of a text led to a dispute was *Pharmacia Corp. v. GlaxoSmithKline Consumer Healthcare* (LP, 292 F. Supp. 2d 594, D.N.J. 2003). The controversial interpretation concerned an allegedly false advertisement of nicotine “patches” to aid smoking cessation (*Pharmacia*, at 606):

Case 3.4: What Doctors Prefer

The ad opens with an announcer stating: “You’ve decided to quit smoking. Smart choice. Now which patch? The one that leaves you little choice? Or NicoDerm?” It makes three claims of NicoDerm’s superiority over Nicotrol. It claims NicoDerm alone offers a program for light smokers. It claims NicoDerm can be worn for either 16 or 24 h, while Nicotrol can only be worn for 16 h. And it claims that “more doctors prefer the patch that gives you the choice.” The commercial ends with a shot of the NicoDerm box as the announcer states: “NicoDerm CQ. The power of choice.” We find that the unmistakable message of this advertisement is that NicoDerm offers choices, while Nicotrol is inflexible.

The distributor of NicoDerm (GlaxoSmithKline) provided some studies that demonstrated that doctors preferred NicoDerm CQ over Nicotrol generally, and one study that showed that more doctors preferred a patch that offered a 16-or-24-h option. However, “no single test addressed whether doctors preferred NicoDerm over Nicotrol because of NicoDerm’s 16-or-24 h choice” (Villafranco et al. 2004, p. 51). The issue of false advertisement thus hinged on the interpretation of the (partially unarticulated) syntactic structure of the message. The court pointed out that the ad does not “explicitly claim that doctors favor NicoDerm because of choice.” However, considering the advertisement in its entirety, the audience would recognize the claim as readily as if it had been explicitly stated,” as the statement “will necessarily and unavoidably be received by the consumer” as a claim that doctors prefer NicoDerm over Nicotrol *because* it offers choice (*Pharmacia* at 607).

3.1.4 *Ambiguity of Metaphorical Meaning*

As mentioned above, the distinction between what is explicitly said and what is implied is blurred. The interpretation of lexical items themselves can be controversial, due to their possible metaphorical interpretation. Disambiguation in this case involves pragmatic processing that needs to take into account what the speaker can be presumed to communicate considering the conversational context, leading to an interpretation that concerns the implicit dimension of discourse, i.e. “what is communicated” (Camp 2006, p. 301).

A first case of ambiguity concerns the subtle line between “what is said” and “what is implied,” namely the ambiguity between a literal and a metaphorical (or non-presumptive) interpretation of a lexical item. In this case, the explicit meaning is reconstructed by assessing both the literal and the metaphorical interpretation of the utterance. A clear example of ambiguity concerning the interpretation of lexical items is the previously mentioned interpretation of “blackmail” in *Greenbelt* (at16):

Case 2.5: Blackmail

In publishing in their newspaper full accounts of the meetings, petitioners reported that various citizens had characterized respondent’s negotiating position as “blackmail.”

In this case, the communicative purpose of venting emotions in a heated discussion of the city council led to interpreting the assertion that, “Bresler is blackmailing the City Council” as non-defamatory. The court found that in this context, the term “to blackmail” was used not to mean a specific crime of extortion, but as a complaint against his excessively aggressive negotiation attitude. In this case the court resorts to the purpose of the conversation and the presumable purpose of the move (as interpreted and interpretable by a reasonable reader) (Ritchie 2006) to explicate the “directly conveyed content” or the “development of the logical form” of the utterance (Bach 2010; Capone 2009; Carston 1988). The Blackmail example shows how the explicit (or directly conveyed) content can result in different interpretations even when the controversial term is apparently unambiguous and the context is the same.

Metaphorical utterances are a crucial source of ambiguity that can be addressed by considering the type of conversation the interlocutors are engaging in, in addition to other contextual factors (Macagno and Zavatta 2014). A clear example of the ambiguity resulting from metaphorical utterances and the interpretive process based on its presumed dialogical purpose is *MacElree v. Philadelphia Newspaper, Inc.*. Further to an altercation at Lincoln University, Philadelphia Newspaper, Inc. published an article in which a quote by the university attorney was reported, calling MacElree (then the Chester County District Attorney) “the David Duke of Chester County” (544 Pa. 117, at 120, Pa. 1996):

Case 3.5: The David Duke

Writing to a local newspaper, [University President Siara] Sudarkasa questioned remarks by the Chester County district attorney that one of the New Yorkers had been stabbed. When D.A. James MacElree replied with quotations from police reports, the university’s

lawyer, Richard Glanton, accused him of electioneering — “the David Duke of Chester County running for office by attacking Lincoln.”

The superior court acknowledged the ambiguity of the metaphorical utterance, which according to the plaintiff (MacElree) was interpreted as accusing “MacElree of abusing his office, violating his sworn oath, and committing state and federal offenses.” The superior court took into account the context of a heated discussion, in which the remark can be interpreted reasonably and fairly as a simple charge of racism. According to the court, the remark, “MacElree is the David Duke of Chester County” was semantically equivalent to saying, “MacElree is racist.” However, in the following appeal, the Court of Appeals considered together with the conversational setting and the purpose of the discussion, the possible contextual specifications of this interpretation. The Court thus maintained that “in reading the charge that appellant was electioneering and was the David Duke of Chester County, a reasonable person could conclude that this was an accusation that appellant was abusing his power as the district attorney, an elected office, to further racism and his own political aspirations,” which amounts to defamation (at 124).

3.2 Commitments and Interpretation: Ambiguity of the Implicit Meaning

The notion of implicit meaning will be used to refer to two distinct types of pragmatic phenomena, namely presuppositions and implicatures. They are both very controversial, but we will provide a simplified but clear description of them.

3.2.1 *Ambiguity of What Is Presupposed*

Presupposition is a highly debated notion in philosophy of language and linguistics (Levinson 1983, p. 163), which is used to refer to two distinct phenomena, namely semantic and pragmatic presuppositions. While semantic presuppositions are commonly understood in terms of truth condition (or meaningfulness) of a sentence (Karttunen 1973; Keenan 1973), pragmatic presuppositions instead are pragmatic inferences that concern the relationship between the speaker and the appropriateness of a sentence in a context (Levinson 1983, p. 177). To presuppose something pragmatically as a speaker is to take its truth for granted and to assume that the audience does the same (Karttunen 1973; Stalnaker 1973, 1974). Pragmatic presuppositions are essentially related to the common ground, namely the set of propositions that the interlocutors assume to be not controversial and taken for granted (Stalnaker 1974, 1984; von Stechow 2008).

Presuppositions can be related to ambiguity. A term can be used with a definition that is not shared by the interlocutor, or a new definition can be taken for granted as

shared, introducing ambiguity. One of the most famous cases of ambiguity of what is presupposed concerns the definition of “enemy combatant.” This term was used by the Bush administration to denote a specific class of combatants, falling outside the boundaries of the Geneva Convention, but no definition was provided (*Hamdi v. Rumsfeld*, 542 U.S. 516, 2004). After the terroristic attacks on September 11, the government arrested and detained some American citizens with the charge of being “enemy combatants,” and among them were two American citizens, Hamdi and Padilla. The administration used the term to charge the defendants of a crime that would not allow them to have any rights of protection, and more specifically, any possibility of rebutting the classification. However, Hamdi and Padilla were American citizens, and brought the case to court. Padilla was detained as an enemy combatant based on an order of President Bush (see President Bush order (June 9, 2002) to hold Padilla as an enemy combatant²). Hamdi was considered as an enemy combatant on the grounds of a declaration of the Special Advisor to the Under Secretary of Defense for Policy (the Mobbs declaration). The reasons provided for their classification were the following:

Case 3.6: Bush’s Enemy Combatant

Padilla was considered as an enemy combatant because “closely associated with al Qaeda,” engaged in “hostile and war-like acts” including “preparation for acts of international terrorism” directed at this country (June 9 Order, pp. 2–5; *Padilla*, 233 F. Supp. 2d 568). Hamdi was classified as an enemy combatant “[b]ased upon his interviews and in light of his association with the Taliban,” a series of tests that determined that Hamdi met “the criteria for enemy combatants,” and “a subsequent interview of Hamdi” (*Hamdi* at 513).

These classifications presuppose a definition that is unclear, not providing any criteria for a clear classification. The court found it ambiguous and had to reconstruct a possible meaning relying on the definition accepted in law, which amount to the previous cases. The court thus interpreted the term as equivalent to “unlawful combatant,” based on *Quirin* case (*Padilla v. Bush*, 233 F. Supp. 2d 564, 2002) to refer to foreign spies and saboteurs (*Ex parte Quirin*, 317 U.S. 1, 37–38, 1942). The implicit definition led to controversies that were solved only in 2004, when the term “enemy combatant” was explicitly defined and disambiguated by the Supreme Court (*Hamdi* at 516).

3.2.2 Ambiguity of What Is “Con conversationally” Implicated

A distinct type of pragmatic inference is the so-called conversational implicature. The notion of “what is implicated” is in itself ambiguous, as the very concept of implicature and its defining characteristics are controversial in philosophy of law.

²Jose Padilla’s Enemy Combatant Order Issued by President George W. Bush (9 June 2002). *Findlaw*. Retrieved from <http://news.findlaw.com/wsj/docs/padilla/padillabush60902.html> (Accessed on 20 April 2017).

The notion was introduced by Grice, who described a particular type of communicated inference, which he calls implicature, as follows (Grice 1989, pp. 30–31):

A man who, by (in, when) saying (or making as if to say) that p has implicated that q , may be said to have conversationally implicated that q , provided that:

1. he is to be presumed to be observing the conversational maxims, or at least the Cooperative Principle;
2. the supposition that he is aware that, or thinks that, q is required in order to make his saying or making as if to say p (or doing so in those terms) consistent with this presumption; and
3. the speaker thinks (and would expect the hearer to think that the speaker thinks) that it is within the competence of the hearer to work out, or grasp intuitively, that the supposition mentioned in (2) is required.

The most general comment concerning this type of inference is that they differ from semantic inferences inasmuch as they are “based on both the content of what has been said and some specific assumptions about the co-operative nature of ordinary verbal interaction” (Levinson 1983, p. 105). The problem with this account is that it is unclear whether implicatures are an intended kind of inference (Bach 2006; W. Davis 1998), namely “communicative in Grice's sense, i.e. ‘intended to be recognized as having been intended’” by the speaker (Levinson 1983, p. 101). The aforementioned definition refers explicitly only to the speaker's presumptions and in this sense his “communicative intention” does not need to be a requirement. As a matter of fact, many inferences that can be drawn based on conversational principles do not need or even do not require the speaker's intention. Insinuation and innuendo (Bell 1997; Gibbs 1999), and many uses of metaphor, irony, understatement, or rhetorical questions are based on the non-ascription of the implied meaning to the speaker, or at least on the speaker's possibility of denying it (Gibbs 1999). For these reasons, we can refer to the notion of implicature as “information which the speaker makes available to the audience,” fulfilling his communicative responsibilities with regard to what he wants to communicate beyond what he says (Saul 2002). The audience can draw the inference or not, or draw a different (non-intended) one; the problem of ascribing the audience's inference to the speaker's intention is a further step that needs to be assessed.

This point is fundamental when analyzing implicit meaning in law, as the determination of what can be reasonably implied (matter of interpretation) needs to be distinguished from the ascription of intent (malice in case of offences). In law, the possible ambiguity of implicit meaning concerns whether and what implicatures are triggered by an utterance. The analysis of this type of ambiguity needs to be investigated by considering the offence that is committed, namely perjury, defamation, and solicitation, conspiracy, or bribery (Solan and Tiersma 2005, Chapter 9), and the corresponding conversational contexts.

3.2.3 *Ambiguity of What Is Meant: Literal v. Inferential Interpretation*

A first type of ambiguity relative to what an utterance “means” concerns the problem of assessing the type of interpretation, namely whether the utterance needs to be interpreted literally or not. The interpreter needs to evaluate whether the speaker can be taken to be committed only to what he said, or also to the possible inferences that can be drawn by relying on conversational presumptions.

A clear example can be drawn from one of the (alleged) crimes of perjury most studied in linguistic pragmatics and forensic linguistic (Horn 2009; Jacobs and Jackson 2006; Shuy 2011; Sinclair 1985; Solan 2002; Solan and Tiersma 2005; Tiersma 1990), concerning the cross examination of Mr. Bronston in *United States v. Bronston* (453 f.2d 555, 2d cir. 1971). Bronston was a movie producer and owner of a company (Bronston Productions) that filed for federal bankruptcy protection. He was heard as a witness for determining, for the benefit of creditors, the extent and location of the company’s assets. The subject matter concerned the bank accounts maintained by the company in the countries in which it did business. Mr. Bronston gave the following answers to a lawyer for a creditor of Bronston Productions:

Case 3.7: Bronston’s Bank Account

Q. Do you have any bank accounts in Swiss banks, Mr. Bronston?

A. No, sir.

Q. Have you ever?

The company had an account there for about 6 months, in Zurich.

Q. Have you any nominees who have bank accounts in Swiss banks?

No, sir.

Q. Have you ever?

No, sir.

The problem with Bronston’s answers was that for a period of nearly 5 years Mr. Bronston had a personal bank account in Geneva, Switzerland (into which he made deposits and upon which he drew checks totaling more than \$180,000). For this reason, Bronston was prosecuted for perjury, as his answer to the second question, “the company had an account,” was literally true, but unresponsive. By not referring to his own account, the answer allegedly implied that Bronston had no personal Swiss bank account at the relevant time and misled the jury. This case and more specifically the implicature drawn from Bronston’s reply was considered by the Supreme Court (which reversed the judgment of the district court) as unresponsive; however, since it was not false, it could not be prosecuted.

The problem concerned not much what the utterance implicated, but more importantly whether the speaker could have uttered it for a purpose different from misleading the jury. The factors that the Supreme Court took into account were the following:

1. A testimony cannot be found willfully false unless the witness fully understands the questions put to him but nevertheless gives false answers knowing the same to be false.
2. If petitioner does not understand the question put to him and for that reason gives an unresponsive answer, he could not be convicted of perjury.
3. Petitioner could, however, be convicted if he gave an answer not literally false but when considered in the context in which it was given, nevertheless constitutes a false statement.
4. The witness understood the question perfectly well.
5. Under the pressures and tensions of interrogation, it is not uncommon for the most earnest witnesses to give answers that are not entirely responsive; moreover, a participant in a bankruptcy proceeding may have something to conceal and consciously tries to do so.

The Court held that a deceptive answer which is literally truthful does not merit a perjury conviction (Review 1972, p. 311), as “a jury should not be permitted to engage in conjecture whether an unresponsive answer, true and complete on its face, was intended to mislead or divert the examiner” (Bronston at 359).

The Court in this case took into account the context of cross-examination, and based on the dialogical context established the possible presumable intent or intents of the witness. In a cross examination, “the functions of the questions are to extract from the witness answers that build up to form a ‘natural’ argument for the jury” (Levinson 1992, p. 84; Sopinka et al. 2009, p. 1106). For this reason, the presumed goal of the witness is to resist providing to the counsel damaging admissions, without lying. The witness’s primary presumed goal is thus not to mislead the jury, but simply to avoid answering (Levinson 1983, pp. 121–122). Therefore, he cannot be held committed to what the unresponsive answer may imply due to the presumption (not applicable in this context) that the interlocutor acts cooperatively.

Bronston’s unresponsive answer can be compared to a similar case, in which the possible ambiguity arises (*Bronston*, footnote 3):

Case 3.8: Entering the Store

[I]f it is material to ascertain how many times a person has entered a store on a given day and that person responds to such a question by saying five times when in fact he knows that he entered the store 50 times that day, that person may be guilty of perjury even though it is technically true that he entered the store five times.

The implicature in this case is scalar one, a generalized quantity implicature that arises without any particular context or special scenario being necessary (Levinson 1983, p. 126; 128). Also in this case the witness is presumed not to act cooperatively (while cooperation is presupposed for the correct understanding of questions), thus the generalized implicatures is presumed to be not intended. In this case, however, the context makes the reply unambiguous.

3.2.4 *Ambiguity of What Is Meant: Ambiguity of the Implicated Contents*

A distinct problem from the above is the possible implicatures that can arise from an utterance or a text. This type of ambiguity concerns not the explicit-implicit distinction (whether the utterance shall be interpreted literally or not), but the determination of what the speaker can be held responsible for implicating. One of the most famous cases is *Saenz v. Playboy Publications, Inc.* (841 F.2d 1309, 7th Cir. 1988). Plaintiff Adolph Saenz – former Secretary of the New Mexico Department of Corrections, before that an official with the United States Office of Public Safety (O.P.S.), a program of the Agency for International Development (A.I.D.) which was discontinued in 1975 under pressure from Congress – brought action against Playboy Publications. He claimed that in an article in the March 1981 issue (“Thirty Six Hours at Santa Fe”), he was described as a torturer, or worse. The critical and disputed passages of the article are the following (*Saenz* at 1312):

Case 3.9: The Torturer

“What no one in the Statehouse knew, or acknowledged, was that the vaunted new corrections secretary had spent 17 years in the U.S. Office of Public Safety (OPS), a CIA-inspired program established in the late Fifties to advise foreign police in suppressing political dissent in Latin America and elsewhere – and then abolished by bipartisan Congressional action 20 years later amid well-documented charges of U.S. complicity in torture and political terror.”

“And the U.S. adviser who had been Mitrione’s predecessor for four years, whose office was on the first floor of the Montevideo jefatura, where torture reportedly took place and the screams of the victims reverberated, who by his own account had intimate and influential relations with the Uruguayan police, was Adolph Saenz. From Montevideo, allegations of torture by his police clients would follow Saenz through subsequent assignments in Colombia and Panama.”

Saenz alleged that the plain and obvious import of these statements, as understood by an ordinary reader, was that Adolph Saenz personally advised foreign police in suppressing political dissent and was an accomplice to torture and political terror. In this case, the Court pointed out that this type of inference was not the only one that a reader could draw. According to the Court of Appeals, these passages could imply that Saenz was in a position to know about torture conducted in the countries where he served, or the charge that Saenz was in complicit in that torture is. The ambiguity of the inference leads also to assessing the issue of malice (at 1318):

Simply because a statement reasonably can be read to contain a defamatory inference does not mean, as in the case here, that this inference is the only reasonable one that can be drawn from the article. Nor does it mean that the publisher of the statement either intended the statement to contain such a defamatory implication or even knew that the readers could reasonably interpret the statements to contain the defamatory implication.

On this view, speaker’s intentions are assessed based on the defeasibility of the inferences that can be drawn by the hearer, and more specifically, the existence of reasonable alternative interpretations. On this view, the speaker cannot be

considered as committed to a proposition inferred or inferable from his utterance if alternative and reasonable inferences can be drawn from it, which he claims may have been intended.

This case is analogous to the famous innuendo mentioned in the previous chapter, namely the first-mate implicature:

Case 2.4: Drunkard Captain

The first-mate wrote in the ship's log: "The captain was sober all day."

Depending on the context, this statement can be taken as ambiguous or not. If the rest of the crew was drunk, the implicature would have been that the captain remained sober in a peculiar circumstance (a party on the boat) (Bell 1997, p. 50). However, unless this (or other similar) peculiar circumstance is proved, the implicature that the captain is a drunkard could be hardly defeated. As no alternative and reasonable inferences can be drawn from the utterance, it needs to be considered as unambiguous, and the speaker (the first-mate) can be taken to be committed to it.

3.2.5 *Ambiguity of What Is Meant: Ambiguity of the Dialogue Move*

The last type of ambiguity of implicit meaning concerns the ambiguity of the "pragmatic act" or dialogue move performed by the speaker. The ambiguity stems from the conflict between the act explicitly declared and the one indirectly or implicitly communicated. A clear example is the following telephonic conversation between the presidents of two American airline companies, who are having a discussion about the possibility of monopolizing the airline business in the Dallas–Fort Worth area (Solan and Tiersma 2005, pp. 184–185):

Case 3.10: The Suggestion

Putnam: Do you have a suggestion for me?

Crandall: Yes. I have a suggestion for you. Raise your goddamn fares twenty percent. I'll raise mine the next morning.

The ambiguity lies in the type of act performed by Crandall. If Crandall's utterance can be considered as a suggestion, he cannot be considered as breaching the law. On the contrary, if he is indirectly requesting Putnam to violate the antitrust laws, he can be prosecuted. In this case, Crandall points out mutual benefits, and not only the interlocutor's ones. For this reason, his utterance can be considered as a request, communicating that he wants Putnam to raise the prices, in order to obtain a benefit. Therefore, this speech act, labeled as a "suggestion," is in fact to be interpreted as a request.

A more serious case of ambiguity of the act performed is *People v. Hood* (878 P.2d 89, 1994). The case concerned the alleged solicitation of the defendant, who was accused of having "commanded, induced, entreated, or otherwise attempted to

persuade” his friend to kill the defendant’s wife (Solan and Tiersma 2012, p. 342). The incriminating communication is the following (*Hood* at 94):

Case 3.11: Pull the Trigger

Michael Maher, a friend of defendant, testified that, 4 months before the victim’s murder, defendant had expressed his unhappiness with his marriage and his wife’s illness. Defendant described the effect lupus was having on his wife, complained that she was making him miserable, and told Maher that she would be “better off dead.” Defendant also described several ideas that he had considered to kill his wife, such as causing a car accident, but stated that “he couldn’t kill her ... and she couldn’t kill herself because of insurance.” Defendant told Maher that he had also considered staging a robbery, but that he needed a third person to “pull the trigger” and kill his wife during the robbery. [...] On cross-examination, Maher testified that the defendant never directly asked him to kill his wife; however, because he was the only person in the room, Maher assumed the defendant was referring to him when defendant suggested he needed someone to pull the trigger.

The defendant is explicitly responsible only for complaining about his relationship with his wife, and for expressing his desire of having her dead. Moreover, he is committed to informing his friend that he has thought about various plans for killing her, which can be successful only if a third party commits the crime. The court considered not only the utterances, but the specific conversational setting (the friend was the only person in the room). These circumstances made of these assertions an attempt to persuade the friend to commit the murder, which amounts to the act of soliciting the crime.

3.3 Ambiguity, Misunderstandings, and Context

The cases discussed above show how the assessment of ambiguity and the determination of the meaning of an utterance (or move) is of crucial importance for establishing what the speaker can be considered to be committed to (considering the move under discussion). The strict interrelation between pragmatics and semantics, and the implicit dimension of meaning can lead to possible ambiguities, or rather, justifications for not holding the speaker responsible for what the utterance can say or implicate. In order to investigate the problem of commitment attribution, we need to address the issue of interpretive ambiguity, and inquire into the conditions that make a speaker committed to a proposition in distinct conditions, namely taking into account the different dimensions of meaning. For this reason, we will show how ambiguity can be classified, in order to proceed to show how ambiguity can be assessed and the commitments attributed, considering both what is said and what is meant.

3.3.1 *Types of Ambiguity and Ambiguity Resolution*

Ambiguity is a widely discussed concept in pragmatics (Atlas 1989, 2005; Jaszczolt 1999; Levinson 2000; Saka 2007; Sperber and Wilson 1986) and argumentation theory (van Laar 2003; Walton 1996; Walton 2006). While the studies in philosophy of language focus on how ambiguities are processed, works in the field of argumentation mostly address the sources of ambiguities, their use for strategic or manipulative purposes, and the dialectical procedures for resolving them. A fundamental distinction in both the field of argumentation and philosophy of language is traced between the level of semantic interpretation (sentence meaning) and the speaker's meaning, i.e. the output of further processing of sentence meaning considering various contextual factors. In this view, the semantic representation resulting from compositional semantics needs to be processed pragmatically, namely subjected to pragmatic processing aimed at solving ambiguity at different levels and different in kind (Levinson 2000, Chapter 3.2; Sperber and Wilson 1986). A first type of processing concerns disambiguation issues, such as the ones concerning lexical ambiguity or structural (syntactic) ambiguity. We consider the following examples of disambiguation (Levinson 2000, p. 174):

1. Lexical ambiguity (Lyons 1977, p. 550) (includes homonymic words and homographs):
 - (a) The view could be improved by the addition of a *plant* out there.
 - (b) The view would be destroyed by the addition of a *plant* out there.
2. Structural ambiguity (Prepositional-Phrase attachment)
 - (a) Mary left [the book] [on the bus].
 - (b) Mary left [the book on the atom].
 - (c) He looked at the kids [in the park] with a telescope.
 - (d) He looked at the kids [in the park with a statue].

Lexical and syntactic ambiguities (called also grammatical ambiguities) can result in sentences that are related to different semantic representations. On the contrary, semantic ambiguities are characterized by a general semantic representation from which a truth-conditionally evaluable proposition can be derived by means of pragmatic rules (Jaszczolt 1999). These types of ambiguities can be summarized as follows (Atlas 2005, Chapter 1; Levinson 2000, pp. 174–186):

3. Indexical resolution
 - (a) Suppose A is in Los Angeles and B is in New York and the following exchange takes place:

- A. “Where’s the conference being held?”
- B. “It’s being held here.” (“here” does not refer to the exact location of the speaker in that very moment, but rather to the university where the conference takes place)

4. Reference Identification

- (a) Only Felix voted for him (“him” can refer to either Felix himself, or the candidate that does not correspond to Felix)
- (b) The king is powerful (“the king” can refer to the person who is the king at the time of the utterance or to the role of the king) (Bezuidenhout 1997; Capone 2011; Jaszczolt 1999)

5. Ellipsis Unpacking

- (a) A says “Who came?” and B replies “John” (“John” is elliptical and the whole sentence needs to be reconstructed, resulting in “John came”)

6. Generality Narrowing

- (a) Fixing this car will take some time (“some time” means “longer than expected,” otherwise it would be a tautology)
- (b) I’ve eaten breakfast (“I have eaten” means “I have just eaten” or “I have eaten breakfast this morning,” and does not refer to the fact that the speaker is a breakfast eater)

These different phenomena concern the level of the “what is said.” As Atlas put it (Atlas 2005, p. 40):

[...] the semantic representation of a sentence will be semantically underdeterminate, by virtue of its semantical nonspecificity, so that it might not “express a proposition” or carry a truth-value (depending on the relevance of the specific information to the context of evaluation), as well as semantically underdetermined, by virtue of its lacking values for its referential variables, so that it would not “express a proposition” or carry a truth-value (depending on the relevance of determining the values of the referential variables to the context of evaluation).

Also at this level, in addition to semantic interpretation of context-oriented elements (indexicals, etc.), the reconstruction of “what is said” (or sentence-meaning) requires pragmatic (contextual) inferences (Carston 2002b; Kissine 2012, p. 17; Recanati 1987, p. 224), such based on presumptions of different kind, including the goal and the topic of the conversation (Atlas 2005, p. 38). Once sentence meaning is reconstructed, further pragmatic processing leads to drawing implicatures. In pragmatics, and more specifically in the radical pragmatics theory, this differentiation is represented in the following Fig. 3.1 (Levinson 2000, p. 188).

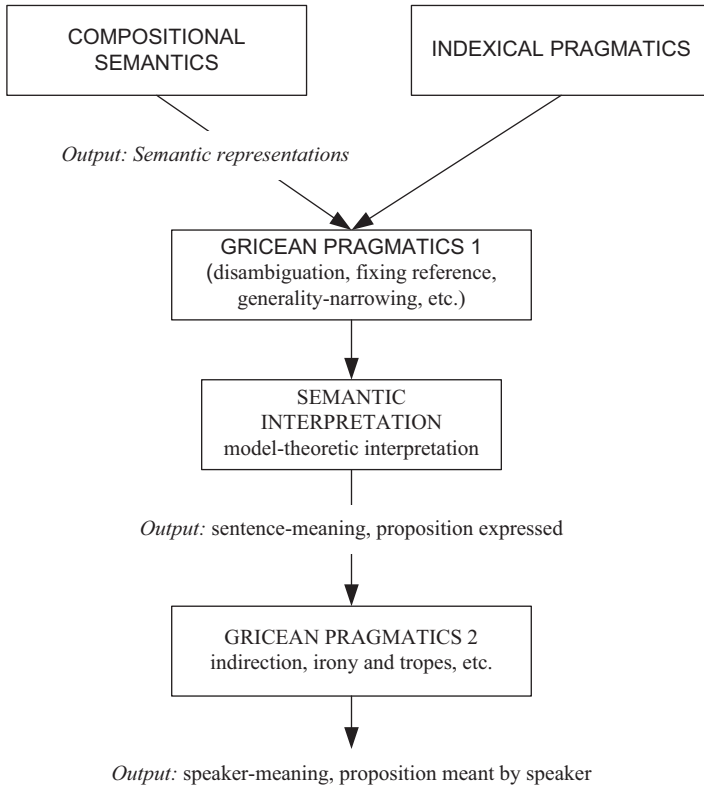


Fig. 3.1 Two levels of pragmatic processing

The distinction between grammatical, semantic, and pragmatic ambiguity is mirrored by the studies in argumentation theory addressing the problem of ambiguity and equivocation.

3.3.2 Levels of Ambiguity and Their Argumentative Effects

In the studies of argumentation theory, three levels of ambiguity are distinguished: potential, actual, and imaginary (Walton 1996, p. 262), which broadly correspond to the aforementioned distinctions between grammatical, semantic, and pragmatic ambiguity. Potential ambiguity includes lexical, syntactic, and intonational ambiguity, and refers to the grammatical elements that can result in ambiguity when taken out of co-text. In contrast, actual ambiguity is ambiguity of use, i.e. concerns the phenomena involved in the interpretation of the sentence expressed by an utterance. Finally, imaginary ambiguity refers to the further implicatures that can be drawn from the utterance of a sentence in a specific context (van Laar 2003, Chapter 4; Van

Laar 2001), but also the possible distinct interpretations of the intended effects on the interlocutor, i.e. the so-called “illocutionary” and “perlocutionary” effects. For example an utterance can be interpreted as a request or as an order, depending on the context; an assertion of a negative behavior can be taken as an accusation or as a complaint, depending on the type of dialogue the interlocutors are engaged in (Macagno 2016b; Macagno and Capone 2016). Moreover, an utterance can be intended to result in accessory effects, such as reassuring, persuading, threatening, which do not constitute the effect performed by uttering the specific sentence (Searle 1976; Searle and Vanderveken 2005). An utterance may be ambiguous due to such effects (“I did not mean to offend you!”).

A controversial issue in the classification of ambiguities concerns emphatic and intonational ambiguities. On Walton’s approach, imaginary ambiguity includes not only perlocutionary and illocutionary ambiguity, but also the so-called emphatic ambiguity. This type of ambiguity is not clearly defined, but can be identified with the stress placed on a specific word or phrase (“VERY nice, isn’t it?”; “He is an ITALIAN”) and leading to further implicatures (the speaker is sarcastic; he is expressing his contempt). To this purpose, we need to stress the distinction between emphatic ambiguity and the mere intonational one, which can concern also different theme-rheme (focus-topic) articulation, namely different syntactic structures that may be grammatically ambiguous if not disambiguated at the utterance level. For example, the sentence “Bob went to the party” may mean that it was Bob that went to the party, or that the party was where Bob went to, or that what Bob did was to go to the party. These different syntactic structures can be disambiguated by means of different intonations of the utterance (Gundel and Fretheim 2004; Reinhart 1981).

The different types of ambiguity can be summarized in the following Fig. 3.2 (adapted from Walton 1996, p. 262):

Potential ambiguity (grammatical ambiguity)			
Lexical		Syntactic	Intonational
Homographs	Different definitions	Different syntactic construction	Different deep structures manifested by different intonations
Pragmatic ambiguity			
Actual		Imaginary	
Semantic ambiguity		Illocutionary and Perlocutionary	Emphatic

Fig. 3.2 Levels of ambiguity

This type of classification can be developed by considering the notion of dialogical move (or “pragmatic act”) and dialogical purpose of an utterance (or rather sequence).

3.3.3 *Dialogue Moves, Dialogical Purposes, and Ambiguity*

As seen in the legal cases discussed above, what is of fundamental importance is the purpose of the utterance that can be reasonably reconstructed from the relationship between the utterance, the context, and the conversational setting (both institutional and interactional – concerning the relation between the interlocutors). In the classifications of ambiguity mentioned above, we observe that potential ambiguity and propositional pragmatic ambiguity concern the level of what is said (Bezuidenhout 1997; Carston 2002a, 2013; Soames 2002, pp. 83–84), while what is at stake in ambiguity at the illocutionary and perlocutionary level is the reconstruction of the pragmatic purpose of a speech act, namely what is meant. The same utterance can be interpreted as intended to produce different illocutionary or perlocutionary effects depending on the type of reconstruction and the factors taken into account in reconstructing its meaning.

This distinction is important for determining the level at which a strategy of equivocation occurs (Deppermann 2000). In particular, this distinction points out the role of context in disambiguating utterances. As Mey puts it (Mey 2001, p. 13):

Ambiguity only exists outside of the actual speaking situation; abstract sentences can be Ambiguous, real speakers are not (unless they want to) [...] Often, it is said that we must invoke the context to determine what an ambiguous sentence means. This may be OK, if by ‘context’ we understand all the factors that play a role in producing and understanding an utterance.

On this view, the context – intended as the institutional setting, in addition to the conversational one and the co-text (the “history” of an utterance in a discourse) – determines the correct interpretation intended by the speaker (Mey 2003, p. 346). In this sense, pragmatic inferences can prevent ambiguities from arising (Jaszczolt 1999, p. 4); however, ambiguities can arise because not all the contextual factors on which the speaker relies in communicating his communicative or dialogical intentions (Grosz and Sidner 1986, p. 178) are shared by the hearer. Moreover, in cases of manipulation, ambiguities are introduced by preventing the interlocutor from accessing all the contextual factors needed for a correct or univocal understanding of the utterance (Macagno 2016b). Typical cases of such types of manipulative uses of ambiguity are the fallacies of straw man (Macagno and Damele 2013; Walton 1996) and wrenching from context (Macagno and Capone 2016; Walton and Macagno 2010).

Building on the concept of dialogue moves and dialogical purposes, we observe that the notions of illocutionary act and illocutionary ambiguity need to be modified. The speaker by performing a dialogue move, pursues dialogical purposes, namely “inherent” communicative effects on the communicative context (such as providing information; supporting a claim, etc.). These dialogical purposes are interconnected with what is communicated both explicitly and implicitly. In the first case, the dialogue purpose affects the “explicature” of the semantic representation of the move. In the second case, it affects the interpretation of the implicatures (as defined above) and the pragmatic presuppositions that can be drawn from the move.

A controversial issue is the notion of perlocutionary effect and perlocutionary ambiguity. If we consider the standard definition of perlocutionary effects as effects that are consequent (*by means of* uttering *s*) and not inherent to the utterance (*by* uttering *s*), we need to see how it can be used for describing the intended and further effects of a dialogue move. An attack on the interlocutor can be aimed at offending him (eristic move), inciting or urging him (type of decision-making), supporting a view (persuasion) or pursuing other communicative subtypes of venting emotions. The same attack can be misunderstood, and interpreted differently. A praise or an attack can result in the interlocutor being offended, flattered, happy, sad, etc., which is consequent and dependent on the interpretation of the purpose of the move.

For this reason, we can modify the classification of ambiguity set out above. We replace the notion of “illocutionary ambiguity” with the category of dialogical ambiguity (ambiguity at the level of the interpretation of the dialogue move). The category of imaginary ambiguity is redefined using the following distinctions:

1. **Dialogical ambiguity:** ambiguity of the intended effects that constitute the dialogical goal of the move. For example, a question (Do you think that you behaved well?) can be interpreted as aimed at encouraging the interlocutor to commit to a certain course of action (deliberation move), or at demanding an opinion (information sharing move).
2. **Perlocutionary ambiguity:** ambiguity consequent to the performance of a move and not directly intended. For example, an assertion (My aunt’s dog died) can be intended to provide a piece of information (Information sharing), but it can result in different effects on the hearer (grief – in case he believes that the dog was a source of joy – or relief – in case he believes that the dog was suffering).
3. **Ambiguity of implicitly conveyed meaning:** ambiguity of contents that are not explicitly intended, but that are presupposed (implicated by semantic items or syntactic structures) or implied by the speaker.

The distinction can be represented in the following Fig. 3.3:

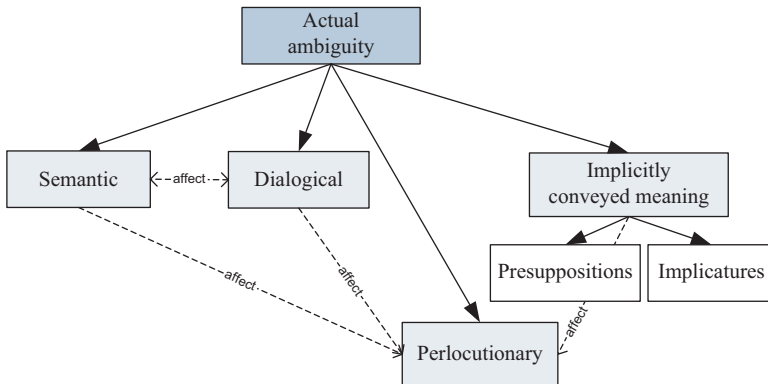


Fig. 3.3 Actual ambiguity revisited

This graph shows how ambiguity results from distinct aspects of meaning, and how it can be affected by the interpretation of the move at different levels. The next step is to outline a method for assessing ambiguity, based on the idea that interpretation is guided by distinct factors (co-textual, contextual, and semantic) that can be represented in terms of presumption. The goal is to provide a mechanism that illustrates the best dialectical strategy for supporting an interpretation.

3.4 Presumptions and Best Interpretation

The theories advanced in philosophy of language provide clear insights into how context and more importantly the presumptions resulting from various types of contextual factors contribute to determining the intended meaning. While the processing of utterances and the disambiguation processes involved are usually automatic, non-reflective (Patterson 2004; Wilson 2016; Wilson and Sperber 2004), when an interpretation is controversial or doubtful and needs explanation the reasoning underlying interpretation needs to be brought to light and analyzed. The purpose of an argumentative approach to ambiguity thus does not only concern the analysis of the factors that, once concealed, can result in ambiguity, but also the argumentative reasoning in support of an interpretation that can be made explicit in a case of dispute. In this section, we will address the problem of representing the argumentative reasoning used for supporting and evaluating an interpretation. This type of reasoning is intended to describe a dialogical mechanism for bringing to light and assessing the various factors that contribute to supporting or dismissing an interpretation.

3.4.1 *Presumptions and Presumptive Reasoning in Interpretation*

The process of dialectical motivation (and theoretically, a possible dialectical model of reconstruction) of an interpretation of an utterance can be represented in terms of presumptions. On this perspective, normally utterances are processed relying on heuristic, presumptive mechanisms. On the relevance-theory approach, such mechanisms are cognitive in nature (Sperber and Wilson 1986; Wilson 2016; Wilson and Sperber 2004). On the contrary, in neo-Gricean and radical pragmatics accounts, such automatic processes are based instead on the content and the metalinguistic properties of an utterance (the utterance-type) (Levinson 2000, pp. 6–7). While in the former approach the basic heuristic concern the maximization of the information, i.e. cognitive response *vis-à-vis* processing efforts, in the latter theories the content and the form of an utterance provides a preferential reading, which can be disconfirmed by other linguistic or contextual evidence. This view is expressed through the following heuristics (Levinson 2000, p. 7):

1. If the utterance is constructed using simple, brief, unmarked forms, this signals business as usual, that the described situation has all the expected, stereotypical properties;
2. If, in contrast, the utterance is constructed using marked, prolix, or unusual forms, this signals that the described situation is itself unusual or unexpected or has special properties;
3. Where an utterance contains an expression drawn from a set of contrasting expressions, assume that the chosen expressions describe a world that itself contrasts with those rival worlds that would have been described by the contrasting expressions.

Both accounts provide explanations of what may possibly happen during the processing of an utterance. However, in order to account for the dialectical mechanism that can be used for supporting one interpretation over another, or attacking or questioning the meaning of an utterance or a quote, we need a different framework.

Our approach is grounded on the concept of presumption and presumptive reasoning (Atlas and Levinson 1981), namely a pattern of reasoning based on what is usually the case (Thomason 1990), leading to tentative and defeasible conclusions, holding until further conflicting evidence is provided (Macagno and Walton 2014, Chapter 5; Rescher 2006; Walton 1995). Presumptions work to move the dialogue further when knowledge is lacking. If not rebutted, the proposition representing the conclusion of this pattern of reasoning can be considered as tentatively proved. Rescher represented the structure of this type of inference as follows (Rescher 2006, p. 33) (Table 3.1):

Table 3.1 Presumptive reasoning

Premise 1:	<i>P</i> (the proposition representing the presumption) obtains whenever the condition <i>C</i> obtains unless and until the standard default proviso <i>D</i> (to the effect that countervailing evidence is at hand) obtains (Rule)
Premise 2:	Condition <i>C</i> obtains (fact)
Premise 3:	Proviso <i>D</i> does not obtain (countervailing evidence is not at hand) (exception)
Conclusion	<i>P</i> obtains

For example, we can provide the presumptive interpretation of Case 2.5: Blackmail example:

You are blackmailing us.

Two patterns of presumptive reasoning are involved. First, the utterance is interpreted relying on the presumptive meaning of the various lexical items, in particular “to blackmail.” Unless other evidence is provided (and if the contextual elements available fit the interpretation), the tentative conclusion is that the speaker is asserting that, “You are committing the crime of extorting money or other valuable object by threat.” In this case, since the utterance asserts an illegal behavior of the interlocutor, it can be taken as an accusation (or complaint), leading to a default of the “literal” meaning of the utterance (Atlas 2005, pp. 15–16). This type of reasoning is grounded on the idea that utterance processing is based on the most accessible, or stereotypical elements of meaning, and that such a presumptive interpretation holds unless rebutted by conflicting contextual information, accessed at the same time (Giora 2003).

This reconstruction of the Blackmail example seems to match the two-layered model outlined in Fig. 3.1 above. However, this two-step presumptive process is only an abstraction that works when the presumptive reasoning is triggered in lack of contextual information. Without taking into account all the contextual elements and the presumptions that they carry with them, the interpretive process is only an abstract and idealized model. As Hamblin pointed out, there are several presumptions that act at the same time and contribute to the interpretation of an utterance (Hamblin 1970, p. 295). The reconstruction of the actions performed by means of an utterance (and the attribution of commitments resulting from them) is a matter of assessing together the various presumptions that can emerge in a specific context (Giora 2003, Chapter 2). As Kecskes puts it (Kecskes 2010a, p. 2895):

[...] utterances are not underspecified, and they do not get their full specification from the actual situational context because these linguistic units usually bring as much into the situation as the situation gives them. What gives specification to utterance meaning is neither the actual situational context nor the prior context encoded in the utterances but both.

On this view, an interpretation or interpretive process abstracted from the context, the interaction, the institutional setting, and the background knowledge means only an interpretation in lack of such elements and leading to a conclusion providing a stereotypical representation thereof. In the Blackmail case above, the utterance is interpreted regardless of its conversational context by providing a stereotypical intention, a stereotypical context, and a stereotypical setting. If we consider the context, the background information, the type of dialogue or discourse, and the utterance content and type, we reconstruct the meaning of an utterance through

several presumptions of different type and level, which result in inferences that are defeasible or non-defeasible (Capone 2005, p. 1360, Capone 2013a; Kecskes 2010a). Only when all these factors (presumptions) are evaluated together, can we assess an utterance as ambiguous or not (Bell 1997).

3.4.2 *Levels of Presumption and Reasoning from Best Interpretation*

An interpretation can be supported by providing different types of evidence, related to presumptions of different type. They can be divided into four types.

Presumptions of the first type (Level 0 – pragmatic presumptions) concern the pragmatic purpose of a speech act, connecting for instance an illocutionary force (assertion) with an intention (informing) (Kecskes 2008; Kecskes and Zhang 2009; Kissine 2012). Such associations refer to both social (cultural) presumptions (“Can you pass me the salt?” is normally used to request gently the salt) and more specific ones (Bob never makes gentle requests; if he asks you to do something, it is a strong command).

The second type (Level 1 – Linguistic) refers to presumptions related to the knowledge of lexical items or syntactic constructions, including definitions. For instance, dictionary or shared meanings of lexical items are presumed to be known by the speakers of a language. Such presumptions represent the presumptive meaning of linguistic elements (Hamblin 1970; Levinson 2000; Macagno 2011b), which, however, are subject to default in case the context requires a different interpretation (such as in case of metaphors, see Giora 2003, p. 60).

Other presumptions (Level 2 – Factual, encyclopedic) are about encyclopedic knowledge, such as facts, common connections between events, or behaviors and habits that are shared within a specific community, culture, society. Finally, the last kind of presumptions includes presumptions about the interlocutor’s values, preferences, and interests based on either cultural evidence or more specific evidence (previous conversations or interactions with the interlocutor). The levels of presumptions have been represented in Fig. 3.4.

We notice that these types of presumptions can be ordered according to their defeasibility conditions. The more likely it is that conflicting or defeating evidence can be added or be found, the more likely it will be that a presumption is subject to default. For this reason, presumptions closer to the conversational situation in which the utterance (or the move) is performed are likely to be less subject to default than more generic presumptions. For example, presumptions based on mutual knowledge (values, interests, behavior of the *interlocutors*) are less likely to be subject to default than generic presumptions (cultural values, generic interests of a category of persons...), as less abstract from the specific setting in which the utterance is made. For instance, the famous example of Grice’s recommendation letter, in which a professor writes the following reference letter for his student who is applying for a job (Grice 1989, p. 33):

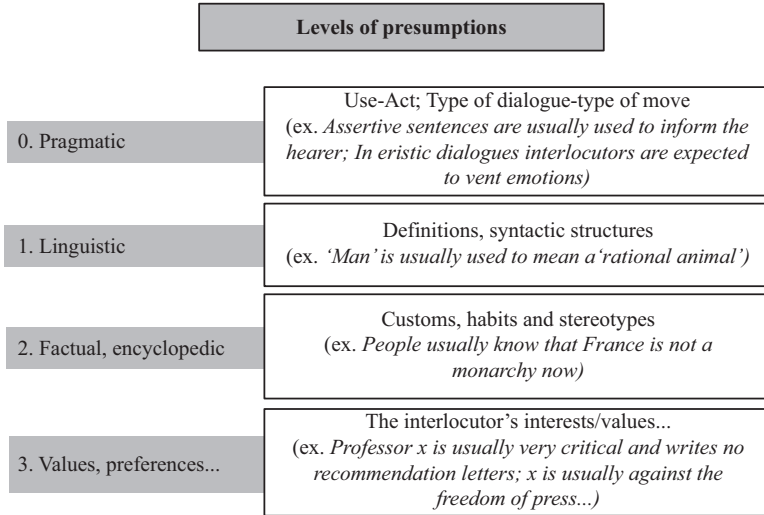


Fig. 3.4 Levels of presumptions

Dear Sir, Mr. X's command of English is excellent, and his attendance at tutorials has been regular. Yours.

In this case, the generic presumptions can be applied in the absence of more contextual evidence. A recommendation letter is presumed to provide reasons for hiring the applicant (Pres. 0 generic), but at the same time the letter does not provide any information that can be taken as a sign of excellence (command of English is not usually a sign of academic excellence, Pres. 2 generic). The latter presumption leads to the default of the pragmatic one, and to the conclusion that the student is not fit for the job. However, this type of letter is very unlikely to be written and interpreted regardless of the context (Saul 2002). The professor may be known for the fact that he considers recommendation letters useless, and the very fact of writing one can be taken as exceptional (Pres. 3 specific). Alternatively, he can be known to consider punctuality as the most important quality, and to have extremely high standards for praising someone for his command of English, which would lead to presuming that his letter provides important positive information. These presumptions are very specific (are based on evidence on how this specific professor usually behaves) and would defeat the more generic ones.

On this perspective, the co-existence of different interpretations of the propositional content of a speech act, leading to distinct communicative effects (and different legal consequences), does not mean that the two constructions are equally reasonable or acceptable. The assessment of the conflicting interpretations can be carried out systematically by reconstructing and evaluating the argumentative structure underlying them. We consider the logical form encoded by an utterance in terms of presumptions that need to be assessed together with other presumptions also of different kinds. Interpretation becomes the conclusion of an argumentative

process of reasoning grounded on the abductive pattern (Atlas 2005, p. 13) of reasoning from best interpretation (Atlas 2005; Atlas and Levinson 1981), which can be reconstructed as an argumentation scheme from best explanation (adapted from Walton et al. 2008, p. 329):

Argumentation Scheme 3.1: Reasoning from Best Explanation

Premise 1	<i>U</i> (an utterance) is an observed communicative act
Premise 2	<i>I</i> (interpretation 1) is a satisfactory description of the meaning of <i>U</i>
Premise 3	No alternative meaning description <i>I'</i> (such as interpretation 2) given so far is as satisfactory as <i>I</i>
Conclusion	Therefore, <i>I</i> is a plausible hypothesis, based on what is known so far

Ambiguity is based on the coexistence of two possibly satisfactory interpretations of the utterance in premise 2, which needs to be resolved in premise 3. In particular, when two interpretations are advanced, their defeasibility conditions need to be analyzed considering all the possible contextual evidence available. The less defeasible interpretation is the one that should be preferred.

For instance, Case 2.5: Blackmail above can be reconstructed by providing the contextual elements and the contextual presumptions (Macagno and Zavatta 2014; Ritchie 2006) leading to the best interpretation (0.4) (Franklin and Bussel 1983, p. 831). The context was the following: a developer, Mr. Bresler, exhibited extremely unreasonable and aggressive negotiating behavior with the city council of the city in which he was doing business, Greenbelt. The discussion became heated, and some council members used the aforementioned utterance to vent their emotions. The newspapers reported the quotation (in its context) and Bresler charged the journal of defamation. The Court (at 13–14) reconstructed the various presumptions and their contextual defaults, and the reasoning structure can be represented in Fig. 3.5 as follows:

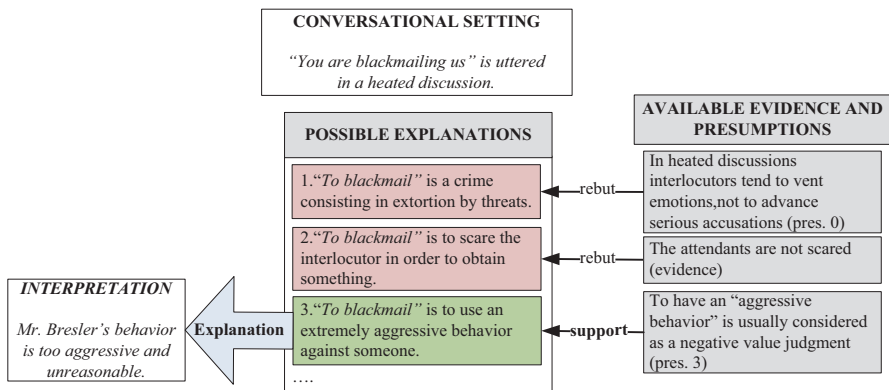


Fig. 3.5 Explaining pragmatic ambiguity

In this case, just like in the recommendation letter above, we notice that the presumptions are evaluated together. However, if we have access to the type of interaction the interlocutors are engaging in the pragmatic presumption can be defined and specified based on the contextual evidence. Whereas in the Reference letter case our evidence is only a letter, in the Blackmail case we can interpret the dialogue move based on a whole conversation within a specific setting, making the pragmatic presumption very specific. In the Blackmail case, the specific pragmatic presumption (i.e. the ones not grounded on the generic syntactic features of the sentence, but the ones based on the type of interaction the interlocutors are engaging in), i.e. venting emotions, defeats the other possible interpretation, and supports the metaphorical interpretation of the move. As already noted by Levinson (Levinson 1992) and pointed out by Kecskes (Kecskes 2013, 2015; Kecskes and Zhang 2009), interpretation needs to stem from the (presumed) intended goal of the interaction and contribution of the move to the conversation. For this reason, the type of interaction the interlocutors are engaging in is of crucial importance in guiding the assessment of the various presumptions involved in the interpretive process.

3.5 Ambiguity and Commitments

The analysis of the distinct types of ambiguity and the relationship between ambiguity, dialogue moves, and presumptions, can be used for investigating the fundamental issue underlying quotation and misquotation, namely the speaker's commitments. As seen above, the attribution of commitments is not straightforward. Utterances (or rather dialogue moves) can be ambiguous for various reasons, and the speaker's utterance (or meaning) and the hearer's reconstruction thereof can be different (Capone 2013b; Kecskes 2008, 2010b, 2013). As Kecskes put it (Kecskes 2010b, p. 69):

Their different prior experiences, their different evaluations of the actual situational context, their dynamically changing intentions and individual degrees of salience result in a personalized process of production and comprehension; as a result, there may be no single point in the recovery process at which speaker's utterances exactly matches hearer's implicatures. This is because both speaker's production and hearer's interpretation are 'contaminated' by individualized pragmatic elements.

Different approaches to communication and interpretation (in particular the relevance theory and the neo-Gricean theories) have focused on the hearer's reconstruction of speaker's intention or utterance meaning, distinguishing between distinct types of content (semantic meaning, explicatures, implicatures, presuppositions) that are differently processed in the reconstruction of the speaker's meaning. The problem is to connect these types of content with the speaker's commitments, and in particular, to determine to what extent a speaker can be considered as committed to the directly conveyed content, or to the implicit, presupposed, or explicated one.

To this purpose, in this section we will show how this issue has been addressed in the fields of philosophy of language and the law, pointing out how these insights can be integrated in an argumentation model.

3.5.1 *The Strength of Commitments*

From a theoretical point of view, and more precisely in philosophy of law and in dialectical studies, the concept of commitment has been analyzed as gradual, namely in terms of strength. On this view, the strength of commitments depends on the type of content derived from an utterance (Beysade and Marandin 2006, 2009; Morency et al. 2008). Entailments, explicatures, presuppositions, and implicatures constitute the meaning of an utterance. However, as the theories illustrated above point out, such contents are the result of different types of processing; in particular, implicatures depend on a previous process of pragmatic enrichment of a logical (propositional form), namely the explicature. Explicatures in turn enrich and “explicate” a propositional form that can result in semantic entailments and semantic presuppositions. For this reason, if we maintain the processing framework represented in Fig. 3.1 above, we can distinguish commitments based on the level of processing of the content, in particular distinguishing between semantic inferences and pragmatic ones. As Moeschler put it (Moeschler 2013), semantic inferences are stronger than the pragmatic ones; for this reason, semantic entailments and presuppositions yield stronger propositions than pragmatic explicatures and implicatures, in turn having different strengths (Sperber and Wilson 1986). Since “the stronger the inferred content is, the more confident the audience is about the speaker’s commitment,” it is possible to conclude that “whereas a speaker cannot deny a semantic inference without contradiction, in the case of a pragmatic inference, she can correct her explicature, and also deny her implicature without contradiction” (Moeschler 2013, p. 87). The degree of strength of content and the corresponding strength of commitment can be represented as shown in Fig. 3.6 (Moeschler 2013, p. 88):

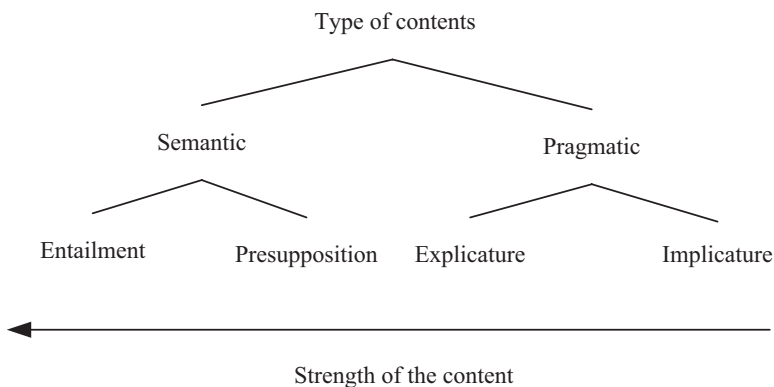


Fig. 3.6 Strength of contents and strength of commitments

This distinction sheds light on how a speaker can commit himself to specific contents, and in some cases (presumptive interpretation), also on how commitments can be attributed to a speaker. For example, if I make the following statement *A*, I consider myself committed to the following contents *A(a-d or f)*:

- A. I am sure that I have bought a necklace for my wife.
- (a) I have a wife.
 - (b) I am married.
 - (c) I have bought a piece of jewelry.
 - (d) I have bought a necklace (in the past few days) for my wife.
 - (e) <In the context in which the speaker cannot find the necklace > I am looking for the necklace.
 - (f) <In the context in which the speaker cannot find the necklace, addressing the maid > I would like some help in finding it.

According to the aforementioned model, the speaker can be held “strongly” committed to *Aa* and *Ab* (presuppositions), *Ac* (entailment), less strongly committed to *Ad* (explicature), and even less strongly committed to *Ae* or *Af*. This view is grounded on the principle that communicating explicitly a proposition amounts to overtly endorsing it and the entailed and presupposed propositions (Carston 2002b, p. 124).

3.5.2 *The Reasonableness of Commitment*

The distinction between different ways a speaker can commit himself to a content needs to be distinguished from how he can be held responsible for a specific content. From the point of view of the interpretation of a dialogue move and the attribution of commitments, interpretive processes depend on the analysis of various types of presumptions at the same time, including pragmatic ones. The attribution of commitments in cases of non-serious utterances, metaphorical utterances, or utterances made in specific conversational settings (such as cross-examination), and the determination of commitments resulting from the implied meaning shows how a content-based model of commitment attribution does not seem to be applicable for interpretive purposes.

For interpretive purposes, we have underscored above how the purpose of the dialogical move that can be drawn from the conversational setting is of crucial importance for reconstructing the commitments. The Blackmail example is a clear case in which the specific conversational setting affects the interpretation of the explicit (Bresler is blackmailing the members of the city council) and entailed content (Bresler is committing a crime). In this case, what counts as the speaker’s commitments needs to be retrieved starting from the purpose of his dialogical move.³

³In relevance theory, the crucial importance of what we called above “pragmatic presumptions” or in the previous chapter “dialogue move” has been pointed out by developing the notion of “higher-

For this reason, the distinction of the strengths of commitments based on the nature of the content needs to face the problem that the levels are blurred, as the propositional form is determined also through pragmatics (explicatures, including higher-order explicatures, see Boulat, Boulat 2016; Carston 2002b, p. 377; Wilson and Sperber 1993).

Moreover, even in one of the “strictest” types of legal dialogue, cross-examination, the content explicitly communicated and presupposed is subject to reasonable understanding, and in particular to reasonable interpretation based on the presumptions available in the context. A clear example is the leading case *United States v. Robert DeZarn* (157 F.3d 1042, 6th Cir. 1998). The defendant (an officer of the Kentucky National Guard questioned about his possible and illegal engagement in political activities when he was in office) was questioned – together with several other officers – about a party in which Kentucky National Guard officers allegedly collected money for the future governor Jones. Specifically, all of the individuals questioned by the investigators described the same party, even though some were questioned about a “Preakness Party,” some were questioned about a “1990 Preakness Party.” The crucial exchange in DeZarn’s examination is the following (*Dezarn* at 1045):

Case 3.12: The Preakness Party

- Q: Okay. In 1991, and I recognize this is in the period that you were retired, he held the Preakness Party at his home. Were you aware of that?
 A: Yes.
 Q: Did you attend?
 A: Yes.
 Q: Okay. Sir, was that a political fundraising activity?
 A: Absolutely not.

The problem with this interrogation is that the Preakness Party really occurred in 1990. There was no Preakness Party in 1991 (Solan 2004, p. 887). DeZarn answered truthfully to the question if interpreted literally, but falsely to the question that could be reasonably understood by the testifier. Since the evidence available to the testifier indicated that he could not be unaware that the relevant party was the 1990 one, the court held him guilty of perjury. In this case, the presumptions concerning the context and the background knowledge are stronger than the content explicitly communicated. DeZarn should have corrected the presupposition (there was a Preakness Party in 1991) by using the relevant available information (the relevant party is the 1990 Preakness Party). In this sense, he should have held the questioner committed to the question that could be reasonably (pragmatically) reconstructed from the context.

The last crucial issue is the problem of the relationship between commitments and implicatures. The cases above (Case 3.7: Bronston’s bank account; Case 3.9: The torturer; Case 3.10: The suggestion; Case 3.11: Pull the trigger) show how the

level” (Wilson and Sperber 1993) or “higher-order” (Carston 2002b, p. 377) explicatures. Higher-level explicatures are representation of the propositional-attitude or speech-act descriptions of the illocutionary force. These higher-level explicatures can be prototypically associated with sentence forms, but are in fact the result of the conversational setting and the combination of presumptions of different kind, and affect the interpretation of the explicatures and implicatures.

fundamental problem of establishing the speaker's commitments in cases of innuendo or implicature is not their "unsaid" or implicit dimension, but their potential ambiguity. In all the distinct contexts taken into account in different types of legal disputes, what matters is the fact that the disputed implied content is the only one that can be reasonably reconstructed considering all the conversational and contextual information. In this sense, it is not the possibility of being cancelled or retracted that makes an implicature or an innuendo into a strategy for avoiding commitments, but rather the possibility of being interpreted in different ways (see Haugh 2015, p. 128).

3.6 The Criteria of Attribution of Commitments in Law

As seen above, the criteria of implicit vs. explicit content do not provide guidance for analyzing when and why a commitment is wrongly attributed to the original speaker. This issue was highly discussed in law in *Masson*, which addressed the problem of commitments relative to the problem of misquotation. The crucial problem that the Court had to face was how to determine when a quotation misrepresented the original speaker's commitments communicated through his utterance.

In *Masson*, the petitioner, the Projects Director of the Sigmund Freud Archives, granted a reporter of the New Yorker Magazine a series of interviews where he narrated his experience at the archives. The reporter then published an article in which he used quotation marks to attribute to him comments he had not made. Masson sued the magazine for defamation, and the court had to establish to what extent a paraphrase of the speaker's words can be considered as deliberate falsification. The court equated the indirect report of a speaker's statements to a quotation, but in doing so it incurred a further problem, i.e. to determine the boundaries of indirect reports. The legal rationale used to draw these distinctions was the notion of "material alteration." As the Supreme Court maintained, "[...] when dealing with material that is portrayed as a quotation, we are to compare the quotation as published with the words the speaker actually said" (501 U.S. at 502); "<where> the published quotation contains a material alteration of the meaning conveyed by the speaker, the published quotation is false" (Id. at 517). Such an intended meaning includes two fundamental dimensions in addition to the factual content: the communicative purpose and the possible inferences that can be drawn from an assertion.

In *Masson*, the Court relied on the standards set by *Milkovich v. Lorain Journal Co.* (497 U.S. 17, 1990) relative to the determination of the communicative purpose of an utterance (convey an opinion or a statement of fact) namely the following ones:

1. Is the language loose, figurative, or hyperbolic, which would negate the impression that the speaker was seriously maintaining the truth of the underlying facts?
2. Does the general tenor of the article negate the impression that the speaker was seriously maintaining the truth of the underlying fact?
3. Is the connotation sufficiently factual to be susceptible of being proved true or false?

However, the Court in *Masson* had to face a more problematic issue, namely the fact that the journalist's quotes were problematic due to the implicit dimension of both the quoted statements and the quotation itself.

The first problem was the attribution to the speaker of commitments that were merely suggested and covered by ambiguity. The speaker may have wanted to let the interlocutor draw *possible* inferences, but not to commit himself to them. However, a quoter cannot reconstruct the possible implied meanings and attribute them to the speaker when they are only possible, and not the only ones that can be drawn. A leading example is the following misquotation in *Masson* (at 504). The reporter quoted *Masson* as stating (emphasis added):

Case 3.13: “Place of Sex, Women, Fun”

It was a beautiful house, but it was dark and somber and dead. Nothing ever went on there. I was the only person who ever came. I would have renovated it, opened it up, brought it to life. Maresfield Gardens would have been a center of scholarship, but it would also have been **a place of sex, women, fun**. It would have been like the change in *The Wizard of Oz*, from black-and-white into color.

Masson actually stated that “Freud’s library alone is priceless,” while in other passages claimed that he and another analyst planned to have great parties at the Freud house and, in a context that may not even refer to Freud house activities, to “pass women on to each other” (*Masson*, at 524, 525). The reporter provided a possible interpretation of the speaker’s words, but it was not the only one. Other possible inferences could be drawn, and thus such commitment could not be attributed to *Masson*. For this reason, the quote was considered by the Supreme Court as substantially different, namely a case of misquotation.

The second problem concerned the meaning that is implicitly conveyed through the report, and not by the original statement. The quoter cannot attribute to the speaker commitments that he *may not* have intended (due to the ambiguity of the statement). Therefore, he cannot attribute to him commitments that could not be drawn from his statements, also when the quoter does not explicitly state them, but only suggests them. In this sense, a material alteration consists in modifying also the possible inferences that can be drawn from a quotation or report, especially the evaluative inferences. Even if a report asserts something that is true as a factual matter, the quotation or indirect report may nonetheless “result in injury to reputation because the manner of expression or even the fact that the statement was made indicates a negative personal trait or an attitude the speaker does not hold” (*Id.* at 511). Different statements may convey the same “descriptive” meaning, but different “emotive” meanings, i.e. they may trigger quite different evaluative inferences (Macagno 2014a; Macagno and Walton 2014; Stevenson 1937, 1944). In particular, *Masson* was quoted as stating the following when discussing an affair with a graduate student (*Masson* at 503, emphasis added):

Case 3.14: Intellectual Gigolo

Eissler and Anna Freud told me that they like me well enough “in my own room.” They loved to hear from me what creeps and dolts analysts are. **I was like an intellectual gigolo** – you get your pleasure from him, but you don’t take him out in public.

However, the actual statement was different (*Masson* at 503, emphasis added):

[Eissler and Anna Freud] felt, in a sense, I [Masson] was a private asset but a public liability. They like me when I was alone in their living room, and I could talk and chat and tell them the truth about things and they would tell me. But that I was, in a sense, **much too junior within the hierarchy of analysis, for these important training analysts to be caught dead with me.**

The quoted statement merely reported Kurt Eissler's and Anna Freud's opinions about petitioner, expressing no different "descriptive meaning." Apparently, "the descriptive term 'intellectual gigolo,' as used in this context, simply means that Masson's views were privately entertaining, but publicly embarrassing to Freud and Eissler." However, the Supreme Court took into account also the "emotive meaning" of the reported quote, which expressed a value judgment that was absent in Masson's statement. The *New Yorker Magazine* thus was found to have reported falsely an assessment (*Masson*, at 521): "fairly read, intellectual gigolo suggests someone who forsakes intellectual integrity in exchange for pecuniary or other gain." Even though the two statements conveyed the same descriptive meaning, the inferences and the value judgment the quotation elicited were different, and this modification was held to be a material change, as it affected the evaluation of the speaker.

This case points out the criterion of unicity of interpretation in defamation cases. The criterion for attributing commitments is not literal truth, but the possibility of interpreting the statement in a univocal fashion, namely unambiguously, regardless of its explicitly or implicitly conveyed meaning. This standard is also mirrored in advertisement law, in which the criterion of unicity of interpretation for implied meaning was expressly stated by the Court (*Novartis Consumer Health, Inc. v. Johnson & Johnson-Merck Consumer Pharmaceuticals Co.*, 290 F.3d 578 at 590, 3d Cir. 2002):

- A claim is said to be necessarily implied when, considering the advertisement in its entirety, the audience would recognize the claim as readily as if it had been explicitly stated; and
- The claim must be unambiguous in that the consumer will unavoidably receive the message; that is, the greater the degree to which a message relies upon the viewer or consumer to integrate its components to reach the claim, the less likely it is that the claim is necessarily implied.

We can use this standard for analyzing the aforementioned cases. The potential ambiguity or unicity of interpretation is a criterion for commitment attribution that applies to all the levels of meaning in all the distinct contexts considered above. In *Bronston* (Case 3.7), Mr. Bronston's reply ("The company had an account there") was considered as truthful not because it could be ambiguously interpreted as a non-answer or as a negative reply. On the contrary, Case 3.8 (I have entered the store 5 times) is based on an implicature that cannot be considered as ambiguous (the witness clearly answers the question), and in the given context can be considered as interpretable only in one way. In *Saenz* (Case 3.9), the implicit content of the contested article (allegedly implying that Saenz was a torturer) was considered as

non-defamatory because it could be interpreted in different ways, and also a non-defamatory implicit conclusion could be drawn. On the contrary, in both Case 3.10 and Case 3.11, the implicit content was considered as unambiguous and thus the dialogue move (an alleged suggestion in the first case, an implied solicitation to murder in the second) was taken as a ground for judging the defendant guilty. Finally, also the interpretation of metaphorical meaning is subject to the same test of possible ambiguity. In *MacElree* (Case 3.5) the problem was assessing whether the metaphor “the David Duke of Chester County” could be univocally interpreted as defamatory in the specific context.

3.7 Commitments and Pragmatic Relevance

As pointed out by the courts in different types of fields of law and contexts, what matters in controversial cases of commitment attribution is the defeasibility of the interpretation of a dialogue move (or utterance). This criterion is applied to all the levels of meaning investigated in the literature in pragmatics, regardless of the issues of cancellability. However, this concept needs to be developed, captured, and represented from a processing perspective, so that it is possible to determine when and why a speaker needs to or cannot be considered as committed to a proposition. To this purpose, we need to develop further the concept of reasoning from best interpretation and show how the defeasibility of presumptions can be represented and supported or rebutted based on the argumentative structure of conversation. For this reason, we will investigate how the defeasibility of an interpretation depends on its contribution to the conversation (van Eemeren and Grootendorst 1992, p. 54), concept that is usually referred to as “relevance” (Macagno 2016a; Walton and Macagno 2016). We will claim that “relevance” can refer to either the contribution to the dialogical purpose, or to the common ground, and for this reason it can be conceived in terms of presumptions, more specifically in terms of either specific pragmatic or linguistic presumptions, or mutual ones.

3.7.1 *Defeasibility and Context*

We have seen above how for interpretive purposes, explicit meaning can be subject to dispute, and the explicatures (or rather clarification of meaning) provided by the speaker can be attacked and rebutted if stronger contrary evidence is provided (see for example the reference of “professional food processor” in Case 3.2, or the syntactic structure of “what doctors prefer” in Case 3.4). In this sense, the speaker’s meaning is conceived as an objectified and expressed intention, which needs to be established by means of argumentative reasoning in case it is disputed. For this reason, also the speaker’s possible “clarifications of meaning” need to be grounded on arguments (Burton-Roberts 2010; Capone 2009, 2013a).

The legal cases presented above point out also the concept of “necessary implications,” namely implicit meaning that is determinate and hardly defeasible and thus needs to be considered as a commitment of the speaker. Many pragmatic inferences can be hardly defeasible depending on the contextual evidence provided (Capone 2009, p. 60). For example, we consider the following assertion, uttered by an academic (A) to a colleague of the same area (B):

1. I am weak in statistics too.

As Clark maintained, inferences can be divided into authorized and unauthorized. The former correspond to implicatures, which are determinate based on the available assumptions. The latter are not determined, as from 1 we can draw a potentially indeterminate number of conclusions (I do not like statistics; I am weak in mathematics; etc.). However, the speaker can be held responsible only for what he intended to convey (Clark 1977, p. 261):

If implicatures were not determinate, the speaker could not consider them an integral part of what he wants to convey, for what he conveys must be determinate.

In 1, the determination of the inferences conveyed can be established considering their defeasibility (Dascal 2003, p. 46). By using the adverb “too,” the speaker can refer to the interlocutor or other unspecified colleagues in general. The possible defeasibility of the available interpretations, however, depends only on the lack of more specific conversational evidence. If the two colleagues are the only ones working in statistics, the possible reference to unspecified colleagues will be easily defeated. Moreover, this interpretation will be easily rebutted also if the two colleagues are talking about their own skills, or their own work, and reference to other colleagues was not made before or cannot be presumed to contribute to the topic of the discussion. In these cases, *B* can report this utterance claiming that *A* intended to accuse *B* of being weak in statistics. He can reconstruct the utterance as (conventionally) implicating that *B* is weak in statistics, and in the context in which *B* does not accept his poor statistical skills, it would amount to an implicit accusation or criticism. In these cases, *B* can be considered as committed to the implicit content, and he can very hardly provide evidence or clarifications of the contrary (Clark 1977, pp. 247–248). It would be easier for him to clarify or redefine his concept of “to be weak in statistics,” which is part of what is explicitly said.

3.7.2 *Pragmatic Relevance*

In philosophy of language, the idea of defeasibility of implicit meaning and the related issue of commitment attribution has been analyzed in terms of relevance (Bazzanella and Damiano 1999), namely in terms of contribution to the joint conversational purpose (Giora 1997). A clear example is the following assertion, uttered by a professor to a graduate student in the philosophy department (Soames 2002, p. 83):

1. Carl Hempel lived on Lake Lane in Princeton.

The professor intended to convey the meaning that 2* the famous philosopher of science Carl Hempel lived on Lake Lane in Princeton. However, other inferences can be drawn from this assertion, namely that 2**, a former member of the Vienna Circle lived on Lake Lane in Princeton, etc. All these inferences can be accessible given the broader context (an academic conversation). However, while the first inference can be reasonably expected to be drawn by the hearer, the other ones can be drawn, but they do not contribute to the conversation, namely it is not relevant thereto (Dascal 1979, 2003). In this sense, this inference does not result in the speaker's commitment thereto (Moeschler 2012). The existence and the force of a commitment is directly bound to the notion of relevance (Soames 2002, p. 79):

In order for p to be asserted by an utterance of a sentence, it is not enough that conversational participants be in possession of information which, together with the speaker's utterance, might, after long or careful consideration, support an inference to p . Rather, the speaker must have reason to believe both that p is a potentially direct, immediate, and relevant inference for all conversational participants, and that the conversational participants recognize this belief of the speaker.

In order for a proposition to become part of the speaker's commitments, it needs to be "something the relevance of which to the conversation is potentially obvious to all" (Soames 2002, p. 79). The crucial point is to analyze relevance analytically, in a way that allows the processing of the possible inferences.

Our claim is that the relevance of a dialogue move to another can be analyzed in terms of dialogical purposes, namely in terms of "motivational coherence" (Mann 1988). Utterances are aimed at proposing a dialogical game (bidding), thus pursuing a dialogical goal. A dialogue move falls within the scope of the dialogue game proposed when it serves its purpose. This account of relevance or coherence (Dascal 1979; Giora 1988, 1997) of the dialogical moves can be further specified and analyzed in more detail. Moeschler in particular took into account the components that can be considered as indicators of a common dialogical goal, calling them conditions of "contextual appropriateness" of a move to another (Moeschler 2002, p. 246):

Conditions of contextual appropriateness are imposed by initiative moves, and have scope over reactive moves. These conditions of satisfaction (thematic condition (TC), condition of propositional content (CPC), illocutionary condition (IC) and condition of argumentative orientation (CAO)) impose on the reactive move to share a common theme to the initiative move (TC), to be propositionally related to the initiative move (by implication, contradiction or paraphrase) (CPC), to bear an illocutionary force compatible with the illocutionary force of the first move (IC), and to have a shared argumentative orientation, that is, an argumentative co-orientation (CAO) (Anscombe and Ducrot 1983).

Some of these conditions correspond to distinct dimensions of coherence developed in pragmatics and discourse studies. The thematic condition can be compared with the notion of a common discourse topic (Giora 1985, pp. 705–707; Reinhart 1981, p. 54), while the "propositional relation" can be analyzed in terms of connectors (Giora 1985, p. 708; Hobbs 1979; Lascarides and Asher 1993). The illocutionary

condition imposes a constraint on the communicative intentions underlying a move (a question can be followed by a reply, a refusal of reply, but not by another question, unless it is interpreted as a different act). In this sense, a dialogue move creates the possibility of a finite set of appropriate responses (Dascal 1992, p. 45; Searle and Vanderveken 1985, p. 11). Finally, the argumentative co-orientation is a constraint on the implicit conclusions of the dialogue moves. A discourse move can be advanced to lead to a specific tacit conclusion (for example, “It is sunny today” can be uttered as an invitation to go outside), and the reply needs to be coherent thereto (a reply “It was sunny yesterday” can be hardly interpreted as cooperative from this perspective) (Anscombe and Ducrot 1983).

Viewed from an interpretive perspective, these conditions can be considered as presumptions of different kind. Discourse moves are presumed to contribute to a joint dialogical goal (Levin and Moore 1977; Macagno 2008; Walton and Macagno 2007, 2016) at different levels. Every discourse move can be regarded as a proposal to pursue a specific interactional goal (Mann 1988), such as exchanging information, making a decision, etc. In turn, this proposal is presumed to be coherent with a higher goal, a global and joint communicative intention (Walton 1989, p. 68) that can be achieved by addressing the topic at issue under a different perspective (if a decision is to be made, relevant information on the subject matter is presumed to be needed and acquired). Such presumptions can be considered as the specific pragmatic presumptions. In addition, we need to consider other types of presumptions (concerning language, facts or habits, and values), which can be more or less specific. A move is presumed to result in an effect relative to the interlocutors; as a result, what the interlocutors are presumed to share is crucial for determining and assessing the possible effects of a move. For this reason, relevance can be assessed based on what can be presumed *specifically* in a given conversational context.

3.7.3 *Relevance, Presumptions, and Defeasibility*

The idea of conceiving relevance in terms of specific presumptions can be used for analyzing the defeasibility and hard defeasibility of implicit meaning. We can apply to the analysis of example A:

A. I am sure that I have bought a necklace for my wife.

We have mentioned that the implicit meaning of this utterance can be defeasible in the context in which the speaker cannot find the necklace (it can imply that “I am looking for it” or “Someone has stolen it,” etc.). It can also be defeated in many other situations, such as in a context in which the speaker is addressing the maid (it can imply that “I need some help” or “I am suspecting that you have stolen it,” etc.). These examples have in common the fact that the utterance is not situated in an actual conversation, and the hearer or the bystander has not enough information for determining its relevance to the conversation (see the analysis provided in Blum-Kulka and Weizman 2014, pp. 122–123).

In contrast, if we place this utterance in the context in which the husband is uttering *A* to his father-in-law, who a) keeps accusing him (co-textual information) or b) has accused him previously (contextual, common ground information) of not buying any gift for his daughter, the relevance of *A* would be much clearer (van Eemeren and Grootendorst 1992, p. 54). The implied content (“It is not true that I do not buy gifts for your daughter”) would be hardly defeasible (Burton-Roberts 2013), as both the pragmatic presumptions and the mutual ones would be much stronger than other available presumptions. In the co-text a), the utterance will be pragmatically presumed to address a specific accusation (the husband is accused of not buying gifts for his wife), and thus the only explanation for his contribution to the dialogue would be that it is meant to be a rebuttal. In the context b), even if *A* is uttered abruptly to the father-in-law, the utterance would be considered as intended to inform the hearer of a fact that he is mutually presumed to accept as false, and that he is mutually presumed to judge negatively and blame the speaker for. Also in this case, the specific presumptions will guide the interpretation.

This notion of relevance, or rather “pragmatic” relevance, is used in this chapter as an interpretive notion, a relation between an utterance and its presumed or presumable conversational goal that can guide or assess the process for interpreting it. When utterances are quoted and their meaning within their actual situational context needs to be reconstructed or determined for the purpose of attributing commitments, pragmatic relevance can be extremely useful for representing the contextual factors we need to take into consideration. This notion of relevance will be also used in Chap. 5 as the ground of what we will refer to as “argumentative” or “probative” relevance (Relevance as inferential distance, p. 132), used to assess the relationship between the attacked position (explicitly or implicitly reported) and the original one.

3.8 Conclusion

In this chapter, we have outlined how the insights from philosophy of language and legal theory can be combined for investigating the problem of commitment attribution. We have shown how commitment attribution, and more importantly commitment denial, is grounded on the notion of ambiguity at different levels. Clearly, different explanations of meaning can be always advanced in order to deny a commitment. The crucial issue was then providing criteria for establishing when an interpretation can be considered as leading to a commitment that cannot be denied. To this purpose, we have used leading legal cases concerning controversial or disputed interpretations of natural language utterances. These cases pointed out and stated clearly that the criterion for commitment attribution was the “necessity” of meaning. On this perspective, it is not the level of meaning but the defeasibility of an interpretation in a given context and co-text that determines the commitments. Our challenge was to develop an argumentative model for representing the justification of the conflicting interpretations and establishing the best (namely the least or the hardly defeasible) one.

The model that we have proposed here is grounded on the notion of presumption. When an interpretation is challenged, the parties to the discussion need to support their interpretation based on reasons. We conceive these reasons as conclusions of a type of argument called “from best explanation” or “from best interpretation,” which is based on the presumptions available in a given context. On this perspective, an interpretation can be based on various types of evidence, which lead to an interpretive conclusion through presumptions that predict a specific intention or epistemic status of the interlocutor. An interpretation becomes the outcome of the evaluation of the available presumptions, which can be rebutted by conflicting ones or undercut by conflicting evidence.

The presumptions available to the interpreter can be more or less specific, namely more directly or indirectly relative to the evidence available. While generic presumptions can be easily rebutted by the specific evidence available, specific presumptions are less defeasible. We maintained that the notion of relevance can be interpreted in terms of specific presumptions: a dialogue move is relevant when it is coherent with the specific pragmatic presumptions that the conversational context justifies. These specific presumptions concern the contribution of the dialogue move to the joint conversational goal, which in turn can be further specified as coherence with the presumed reply to the interlocutor’s move, or with the presumed topic of the conversation. Moreover, the concept of specific presumption can represent the “felicity” conditions of a move. A move intended to share information would be infelicitous if the information shared is presumed to be already part of the interlocutor’s ground. The specific presumptions concerning the mutual knowledge can be thus used for guiding the interpretation of possible implicit meaning.

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